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NEWS RELEASE

Committee on Energy and Commerce

Rep. John D. Dingell, Chairman

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Committee Probes Nursing Home Quality Issues GAO Report Details Inadequacies in Federal Monitoring Surveys

Washington, D.C. — In a hearing today before the Committee on Energy and Commerce's Subcommittee on Oversight and Investigations, lawmakers probed problems in America's nursing homes and questioned whether federal monitoring systems of nursing homes are overlooking deficiencies that threaten patients' health. The hearing, entitled "In the Hands of Strangers," comes the same day that a report by the Government Accountability Office (GAO) found that nursing home inspectors regularly ignore or underreport serious problems and health risks.

Lawmakers at today's hearing questioned whether changing ownership trends in the nursing home industry have resulted in less regulatory transparency and poorer service quality.

"The nursing home industry has radically changed since the 1987 law was enacted," said Rep. John D. Dingell (D-MI), the Chairman of the Committee on Energy and Commerce, referring to the last time Congress updated regulations. "Nursing homes are an industry with new investors and new financing and ownership structures. This new dynamic raises serious questions about whether profits are being placed before the needs of nursing home residents."

“The make-up of the nursing home industry and its clientele has changed dramatically since this subcommittee last looked at the issue 31 years ago,” said Rep. Bart Stupak (D-MI), the Chairman of the Oversight and Investigations Subcommittee. “Our hearing examined whether standards put in place in 1987 provide an appropriate level of care and protection for nursing home residents. Today industry witnesses, consumer advocates and regulators all testified that more transparency is needed in the industry, which has in many ways outgrown the regulations meant to protect the most vulnerable among us.”

Among other witnesses, Members of the Committee heard from Mr. Luis Navas-Migueloa, Long Term Care Ombudsman for Baltimore City. In his testimony, Mr. Navas-Migueloa described inspecting a nursing home where it appeared to him that staff were smoking marijuana. The same facility had problems with vermin infestations and building disrepair, including a lack of working showers. Navas-Migueloa suggested that complicated ownership structures can impede regulatory oversight and corrective actions when there are problems at nursing homes.

“When dealing with the less transparent nursing home, there usually is an obvious lack of personal contact which turns into a lack of personal care and concern,” said Navas-Migueloa. “There seems to be a detachment from the purpose and mission of a nursing home, which should be to take care of the most vulnerable population: the elderly and physically and mentally disabled.”

During the hearing, lawmakers also questioned the ability of the Centers for Medicare and Medicaid Services (CMS) to monitor and track ownership of nursing homes. Stupak pressed CMS to release a report conducted by the University of Colorado that evaluates the current system used by CMS to survey nursing homes. The report has been completed since March of 2007. CMS Acting Administrator Kerry Weems said that the report’s public release had been delayed because the agency was preparing an action plan to accompany the report. Under further questioning from Stupak, Weems said the report would be released this summer.

The hearing, held during “National Nursing Home Week,” is the first in a series that the Subcommittee plans to hold on long-term care financing and quality-of-care issues.

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Prepared by the Committee on Energy and Commerce

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